

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ELSAYED A. ELNENAEY,

Plaintiff,

-against-

FIDELITY BROKERAGE SERVICES, LLC, ET
AL.,

Defendants.

23-CV-6970 (LTS)

ORDER

LAURA TAYLOR SWAIN, Chief United States District Judge:

By order dated September 26, 2023, the Court dismissed this action on the ground that Plaintiff had failed to prepay the filing fees or file an amended *in forma pauperis* (IFP) application as directed. (ECF 7.) Thereafter, Plaintiff notified the Court that he had submitted the amended IFP application to the Court on September 25, 2023, before the filing deadline, though it did not appear on the docket. (ECF 9.) On October 17, 2023, the Clerk of Court docketed Plaintiff's amended IFP application, which was received on September 25, 2023. (ECF 10.) The Court therefore directs the Clerk of Court to vacate the order of dismissal and judgment (ECF 7-8), and reopen this matter.

The amended IFP application reflects that Plaintiff has sufficient assets to pay the filing fees, and therefore leave to proceed in this Court without prepayment of fees is denied. *See* 28 U.S.C. § 1915(a)(1). Plaintiff is directed to pay \$402.00 in fees – a \$350.00 filing fee and a

\$52.00 administrative fee – within 30 days of the date of this order. If Plaintiff fails to comply with this order within the time allowed, the action will be dismissed without prejudice.

SO ORDERED.

Dated: October 17, 2023
New York, New York

/s/ Laura Taylor Swain

LAURA TAYLOR SWAIN
Chief United States District Judge